

John Jones  
Email: request-524853-aeb98d9b@whatdotheyknow.com

11 March 2019

Dear Mr Jones,

**Freedom of Information request (our ref: 51199): internal review**

Thank you for your email of 21 December 2018, in which you asked for an internal review in respect of the response to your Freedom of Information (Fol) request 51199. I apologise for the delay in providing you with a response.

Your request was for information concerning telephone calls made by service users to the Home Office and the department's "Unacceptable Behaviour" policy. In the response dated 19 December 2018, you were told that the Home Office does not hold the information. The reasons why they could not provide the information you had requested was also explained in a previous response - reference 50533. The two responses previously sent can be found in **Annex A**.

In your email dated 21 December 2018, you requested an internal review and indicated you were not happy with the cost calculation (estimate) that was included in the response. The full text of the request for the internal review can be found in **Annex B**.

I have considered the original response provided and I have considered whether the correct procedures were followed. I confirm that I was not involved in the initial handling of your request.

The Home Office does not hold the information which you have requested in a reportable format. When section 12 was initially cited, it was on the basis that it would exceed the designated cost limit to determine if we even held the requested information or not, and it was section 12(2) of the FOI Act that was relied on. The Information Commissioner's guide states that 'if a public authority estimates that it would exceed the appropriate limit to confirm

whether or not the requested information is held then, under section 12(2) of the Act, it does not have to deal with the substance of the request’.

It was explained in the original response 50533, that without commissioning a Home Office wide search, it would not be possible to confirm what guidance policy exists (linked to phone calls) on service users to record calls when they speak to Home Office staff as well as information relating to a central policy or guidance for “Unacceptable Behaviour”. Section 12(2) (cost) applies in respect of your request because the department at this point cannot confirm what is held as guidance without commissioning a unit wide search of the relevant material. This, as explained previously, would mean requesting information from an excess of 100 individual units, based on taking 30 minutes per unit to carry out the necessary searches. It is therefore estimated that it would take an excess of 45 hours to potentially identify the information.

In your request for the review you asked that we provide you ‘*an estimate of cost including a itemised quotation as if this is a business transaction.*’ The Home Office does not charge for information provided under the FOI Act. The estimate provided in response to reference 50533 was an explanation to provide an idea as to **how** the cost limit is breached under section 12(2) of the FOI Act and it was not intended as the charge associated with providing the actual information, if at all it was held. I hope this explains the situation.

Having reviewed this request, I conclude that section 12(2) of the FOI Act is found to be engaged.

Yours sincerely

S John  
Information Rights Team

## **Annex A**

Performance , Assurance and Governance  
Directorate  
2 Marsham Street  
London SW1P 4DF

John Jones  
Via e-mail: request-524853-  
aeb98d9b@whatdotheyknow.com  
Date 19th December 2018

Dear Mr Jones

### **Freedom of Information request – 51199.**

Thank you for your e-mail of 20th November 2018, in which you ask for information concerning telephone calls made by service users to the Home Office and the Department's "Unacceptable Behaviour" policy. Your request, which is set out in full in the attached Annex A, has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

The Home Office does not hold the information which you have requested. We explained in our previous response to your request reference 50533 the reasons why we could not provide the information you had requested. The response is shown in Annex B. We have nothing further to add to this response.

The questions you ask essentially seek the same information to that which you previously requested.

I note that you invite the Department to choose any six questions from your previous request, to which we can respond. We do not, however, hold information to answer any of them.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to [foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference 51199. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

Anne Tomkins  
Information Rights Team  
Switchboard 020 7035 4848  
E-mail [FOIRequests@homeoffice.gsi.gov.uk](mailto:FOIRequests@homeoffice.gsi.gov.uk)

## **Request 51199 in full**

Please choose a few questions to answer as a suggestion here's 6

- 1) Are Service Users or the general public allowed to audio-visually record meeting and calls with your staff? If so, do they require permission or are they permitted to do so covertly?
- 2) Do you have any guidance or policy for the public or service users to record calls when they speak to your staff
- 3) What is your organisations protocol on service users recording calls when they speak to your staff or call centres? Please provide a copy of your policy, procedure and guideline notes on this issue.
- 4) Do you Inform Users they can record. If the answer is no what is the reason for this please if so do send me a copy..
- 5) Are service users made aware of their right to record the encounter, if they choose to do so? Is this reflected in you policy document on the matter?
- 6) Does your organisation have an "Unacceptable Behaviour" policy? If so, please can you provide me with a copy? Regarding court staff the public or the court itself.

**FOI 50533.**

John Jones  
[request-524853-aeb98d9b@whatdotheyknow.com](mailto:request-524853-aeb98d9b@whatdotheyknow.com)  
17 October 2018

Dear Mr Jones

**Freedom of Information request: reference 50533**

Thank you for your e-mail of 8 October 2018, in which you ask for any guidance or policy for the public or service users to record calls when they speak to Home Office staff. You also sought information on any “Unacceptable Behaviour” policy as well as information on charging policies for Freedom of Information and subject access requests. You also sought information on the Home Office complaints policy.

Your request has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

Under section 12(2) of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the cost limit.

We have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. We are therefore unable to comply with it.

There is no central policy or guidance for “Unacceptable Behaviour” linked to phone calls or guidance or policy regarding the public recording of Home Office personnel. The Home Office is a large organisation with many public facing functions, it is possible that there is some locally held guidance and/or policy may be held. The same is true for complaints. There are many different complaints routes for the wide range of functions of the Home Office. Without commissioning a Home Office wide search it would not be possible to confirm what information exists. To do so would mean querying in excess of 100 individual units. Based on taking 30 minutes per unit to carry out the necessary searches, we estimate it would take in excess of 45 hours to potentially identify the information.

The £600 limit is based on work being carried out at a rate of £25 per hour, which equates to 24 hours of work per request. The cost of locating, retrieving and extracting information can be included in the costs for these purposes. The costs do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or items such as photocopying or postage.

If you refine your request, so that it is more likely to fall under the cost limit, we will consider it again. I can tell you that the Home Office does not charge for Freedom of Information or Subject Access requests. I can also tell you that if you were to target your request to specific parts of the Home Office, one at

a time, it might be possible to establish if the information you seek is held. For example, submitting a request concentrating on a specific area such as Border Force, Her Majesty's Passport Office, or UK Visas and Immigration.

Please note that if you simply break your request down into a series of similar smaller requests, we might still decline to answer it if the total cost exceeds £600.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to [foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference **50533**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

Martin Riddle  
Information Rights Team

## **Annex B- Text of the internal review request**

From: John Jones Researcher

Sent: 21 December 2018 08:00

To: FOI Requests

Subject: 51199 - Internal review of Freedom of Information request - Are Service Users or the general public allowed to audio-visually record meeting and calls with your staff? If so, do they require permission or are they permitted to do so covertly? FOI Request.

Dear Home Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Home Office's handling of my FOI request 'Are Service Users or the general public allowed to audio-visually record meeting and calls with your staff? If so, do they require permission or are they permitted to do so covertly? FOI Request.'.

I feel if 2000 agencies including government departments dont charge for a similar request then you shouldnt either please provide a estimate of cost including a itemized quotation as if this is a busieness transaction

A full history of my FOI request and all correspondence is available on the Internet at this address:

[https://www.whatdotheyknow.com/request/are\\_service\\_users\\_or\\_the\\_general\\_4](https://www.whatdotheyknow.com/request/are_service_users_or_the_general_4)

Yours faithfully,

John Jones Researcher



### **Annex C –Complaints Procedure**

If you remain dissatisfied with the response to your FoI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF